

January 21, 2021  
Chief Freedom of Information Act (FOIA) Officer  
National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

**Via FOIAOnline**

**Re: Freedom of Information Act Request**

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, I am requesting copies of inter-agency and intra-agency communications and correspondence relating to the removal of the web page “Global Warming – Climate Uncertainties”, including any post-removal discussions that may speak to the reasons the web page was eliminated from the U.S. Environmental Protection Agency’s website during the administration of President George W. Bush.

I am enclosing for your reference copies of the web page as it appeared on October 30, 2002; October 14, 2006; and October 27, 2006, as **Attachment A**. These web-page captures obtained via the *Internet Archive Wayback Machine* show that the web page was likely removed in October 2006 as the October 27, 2006 web-page capture noted:

Please see EPA's Climate Change site for current information on climate change and global warming. EPA no longer updates EPA's Global Warming Site, but is maintaining this archive for historical purposes. Thank you for visiting the archive of EPA's Global Warming Site.

Pertinent records may include communications between the EPA Administrator and the Council on Environmental Quality (CEQ) at the White House, communications between the EPA and the White House, and other high-level communications. I request that you also check the “recordkeeping system” for documentation of the circa 2006 change to the EPA’s Global Warming webpage, as underlined below, from the EPA Records Schedule 0095 for Web Sites, which advises that:

Organizations need to pay particular attention to Web content for potential regulatory, enforcement, or other legal impact...For example, if an organization is offering guidance to the regulated community, it needs to retain a complete record of its recordkeeping system of what that guidance was, how long it was posted and URLs referenced by hyperlinks. Changes to the Web content records, such as major decisions or deletions that might affect decisions or actions by the public or regulated community are covered under item d [“Web content – not unique”, disposable under N1-412-08-8d] or e [“Web content – unique”, disposal authority varies].

As part of this request, and in addition to searches of potentially responsive records held at the EPA Headquarters, I am requesting also that certain, specific records accessions of the EPA which are held under agency control at the Washington National Records Center, Suitland, Maryland, be searched for any information responsive to the request. These accessions are listed in **Attachment B** to this request. The majority of these accessions include agency central, controlled, official, and major correspondence files from the period of interest and may contain correspondence involving the EPA and the White House, which may attach or reference materials responsive to my request.

I request as well that I be provided with copies of the official Records Transmittal Forms (SF-135s) associated with each of the accessions noted in **Attachment B**. My review of such forms may assist in identifying clearly responsive materials; I am happy to work with agency FOIA staff to perform this task.

I am also asking that the following records series, held by EPA in its headquarters or regional offices or under agency control at any records centers, be searched as well for responsive documents:

Records Series	Retention Period	Retention Schedule	Relevant Notes
Series 141A, Controlled and Major Correspondence	Permanent. Break file at end of year, then keep inactive materials in office 1 year after file break, then retire to the Federal Records Center (FRC) and transfer to National Archives in 5 year blocks, 20 years after file break.	N1-412-94-2/12	Retention schedule notes applies to "all programs... agency-wide." Records include correspondence that "significantly documents the program activities" and indexes to the correspondence. <i>Any correspondence to or from the White House concerning the circa 2006 removal of the EPA's "Global Warming - Climate Uncertainties" web page will be responsive.</i>
Series 127A, General Correspondence Files	Temporary. Break file at end of year, then keep inactive files in office at least 1 year after file break, then retire to the Federal Records Center (FRC) and destroy when 5 years old. <i>Please</i>	N-412-94-2/18	Retention schedule notes applies to "all programs... agency-wide." Records include "all general or uncontrolled correspondence files" in all agency programs. <i>Any correspondence to or from</i>

	<i>check these records for any responsive materials not destroyed.</i>		<i>the White House concerning the circa 2006 removal of the EPA's "Global Warming - Climate Uncertainties" web page will be responsive.</i>
143H Program Development Files of Headquarters Offices	Permanent. Break file annually; bring forward active material. Keep inactive records in office for at least 3 years after file break, then retire to FRC. Transfer to the National Archives in 5 year blocks when the most recent record is 20 years old.	N1-412-94-6/2	These files contain materials documenting the development of new programs, major shifts in the focus of existing programs, and new initiatives.

Additionally, I am hereby requesting that all prior FOIA logs of the EPA dating from 2006 through 2008, 2014, and 2017 through 2020 be checked to determine if records responsive to this request may have been previously released. If such records have been previously released, I request that they be made available to me. Prior FOIA requests which may have resulted in release of responsive documents include, but may not be limited to, those listed in the following table:

FOIA Requester	Date of Request	Request Topic	Relevant Notes
Edward Boling	March 11, 2009	CEQ documents that refer to climate change science issues, including activities of the Climate Change Science Program (CCSP)	FOIA Request HQ-RIN-00865-09
Jenny Small	December 8, 2009	Copy of records regarding communications between EPA, the Intergovernmental Panel on Climate Change, and the White	FOIA Request HQ-FOI-00373-10

		House pertaining to Climate Change issues as listed.	
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I also specifically request that any previous FOIA tracking systems or databases be checked for responsive materials, including any superseded systems or FOIA case files retired to agency or FRC storage.

Finally, I request that a search of the EPA's agency-wide Correspondence Management System (CMS), which succeeded the National Correspondence Tracking and Information Management System (NCTIM) in October 2004, is conducted to locate any correspondence with the White House or other high-level communications regarding the circa October 2006 removal of the EPA's "Global Warming – Climate Uncertainties" web page.

To the extent that any relevant documents are classified, I request that they be declassified and/or sanitized for our review. If there are classified documents that cannot be declassified and/or sanitized, I request that you identify any and all such documents by listing date, author, recipient(s) and unclassified subject matter. I would also appreciate receiving any materials that can be released as soon as possible, rather than waiting for all responsive documents to clear the review process.

History Associates agrees to pay all reasonable and standard processing fees authorized by 5 U.S.C. 552(a)(4)(A) and the applicable regulations up to \$250. Should the fees exceed this amount, please call me with an estimate of the total costs in order that specific expenditures beyond \$250 can be authorized.

Should you have any questions or concerns regarding this request, please contact me at (301) 279-9697 or via email to [ksilvi@historyassociates.com](mailto:ksilvi@historyassociates.com).

Sincerely,



Kimberly Silvi  
Senior Historian and Project Manager